

HOUSE BILL 2265

By Alexander

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 40; Title 53 and Title 55, relative to the
seizure and forfeiture of certain property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-210(b), is amended by adding the following new subdivision (3):

(3)

(A) When the hearing officer orders that the seized property be immediately returned to the claimant as provided in subdivision (1) or (2), as part of that order the hearing officer shall state whether, in the officer's opinion, the seizing agency acted in good faith or bad faith in making the seizure.

(B)

(i) If the hearing officer determined the seizing agency acted in good faith, it shall order the seizing agency to pay the claimant the actual costs of recovering the claimant's property, including the cost of the forfeiture hearing.

(ii) Nothing in this section precludes a claimant from bringing an action under § 40-33-215, even if the hearing officer determined the seizing agency acted in good faith.

(C) If the hearing officer determined the seizing agency acted in bad faith, there shall be a presumption of bad faith on the part of the seizing agency if the claimant institutes a cause of action under § 40-33-215.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.